Angelo State University
Operating Policy and Procedure

OP 06.23: **Tenure and Promotion Standards and Procedures**

DATE: October 23, 2009, effective March 1, 2010

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to publish the Angelo State University Tenure & Promotion Standards & Procedures and to ensure understanding of both standards and procedures concerning tenure and promotion.

REVIEW: The OP will be reviewed in September every three years or as needed by a Select Faculty Committee elected by ballot of the faculty, with recommendations forwarded through the Provost and Vice President for Academic and Student Affairs (PVPASA) to the President of the university by December 1 of the review year. This policy may be amended only by action of the Board of Regents of the Texas Tech University System.

POLICY/PROCEDURE

This document describes the general assumptions underlying the qualifications for tenure and promotion at Angelo State University (ASU) and outlines basic guidelines and procedures for applying for tenure and promotion. It establishes a sequential review process for evaluating tenure and promotion applicants, describes the process whereby documents are to be submitted to the appropriate faculty committees and administrative officials involved in the evaluation of candidates, and specifies procedures for notifying applicants. The attachments provide standard forms for reporting findings throughout the tenure and promotion review process.

1. Concept of Tenure

a. Academic tenure exists to ensure that ASU may have the benefit of the competent and honest judgment of its faculty. It affirms the professional status of university faculty and guarantees that a tenured faculty member's employment may be terminated only for adequate cause.

b. Tenure is normally obtained only after a period of probationary service. This probationary period is essential to determining whether a faculty member will be able to sustain a continuous record of effective teaching, significant scholarly activity/creative endeavor, and leadership/service to the university and the profession. The university, therefore, will not recommend candidates for tenure and promotion to Associate Professor prior to their sixth year of service in a tenure-track position unless a compelling case for doing so can be made. Tenure may not be awarded at the Assistant Professor level. After tenure is granted, the burden of proof rests upon the university when it wishes to dismiss a tenured faculty member.

2. Purpose of Tenure

Tenure is designed to accomplish the following purposes:

a. To assure the faculty that they are free to teach, conduct research, express opinions, and participate fully as citizens in the community without interference so long as they maintain professional and ethical standards of conduct;

b. To provide procedures that guarantee due process, adequate notice, and a fair hearing to establish justification for possible termination of tenured faculty;

c. To assist the university by encouraging sound standards for the original selection of faculty; and

d. To result in the retention, encouragement, and promotion of the ablest and most promising faculty.

3. Discrimination

All academic appointment and tenure judgments and recommendations rest upon objective requirements that consider the faculty member's ability to perform teaching, scholarly activity/creative endeavor, and leadership/service responsibilities. Such judgments and recommendations must be made without regard to race, religion, gender, age, national origin, marital status, or physical disabilities that do not obstruct professional performance.

4. General Guidelines for Tenure and Promotion

Primary responsibility for evaluation of the academic qualifications of candidates for tenure and promotion rests with the faculty.

a. Five sequential levels exist in the tenure and promotion review process.

   (1) Evaluation at the department level, which includes a vote by the tenured faculty for tenure and promotion decisions and a recommendation by the department head;

   (2) Evaluation at the college level, which includes a recommendation by the dean and a vote by the College Committee on Tenure and Promotion;

   (3) Review by the PVPASA, which includes a recommendation to the president;

   (4) Review by the president, who makes recommendations for tenure and promotion to the Board of Regents.

   (5) Approval by the Board of Regents.

b. Under the direction of their respective deans, faculty in individual colleges will develop their own tenure and promotion standards and procedures in accordance with the policies and procedures set forth in the *Rules and Regulations of the Board of Regents of the Texas Tech University System* (*Regents' Rules*) and ASU operating policies and procedures. Each College Tenure and Promotion Criteria Development and Review Committee will review such standards and procedures once every three years or as

needed. Revisions will be submitted to the Deans' Council for its approval and recommendation to the PVPASA, who in turn will recommend revisions to the president for approval.

5. General Guidelines for Appointment and Promotion in Rank

a. Initial appointment for tenured or tenure-track faculty members are made at one of three ranks.

(1) **Assistant Professor:** Appointment to the rank of Assistant Professor requires that individuals hold the terminal degree or its equivalent appropriate to their discipline. Appointment to this rank is made on the judgment that the individual has the potential for an award of tenure within the maximum six-year probationary period. Evidence of potential for excellence in teaching, scholarly activity/creative endeavor and leadership/service is required. The recommendation for the tenure of an Assistant Professor will be concurrent with the recommendation for promotion to Associate Professor.

(2) **Associate Professor:** Appointment or promotion to the rank of Associate Professor is recognition that the faculty member has a clearly defined record of strong teaching, scholarly activity/creative endeavor, and leadership/service with a commitment to continued growth in each of these areas.

(3) **Professor:** Appointment or promotion to the rank of Professor is recognition of demonstrated achievement and distinction over the span of a faculty member's academic career in teaching, scholarly activity/creative endeavor, and leadership/service. The faculty member must also have participated in professional service and been actively involved in department, college, and university affairs. After completing a minimum of four years at the rank of Associate Professor at ASU, a faculty member may apply for promotion to the rank of Professor.

b. Those faculty members who serve administrative or special functions in addition to their faculty duties are expected to meet the same general standards of performance, but decisions on promotion in academic rank should take into account the contributions and accomplishments associated with the administrative appointment or special function.

6. Admission to Tenure

Tenure denotes an entitlement to continuing appointment as a member of the faculty at ASU. Faculty in departments and colleges, in consultation with the dean, will develop more specific guidelines to help faculty meet the criteria to achieve tenure. Those criteria must conform to guidelines set forth in the *Regents' Rules* and ASU operating policies and procedures.

a. Probationary appointments that may lead to tenure are:

(1) Assistant Professor;

(2) Associate Professor;

(3) Professor.

b. The terms and conditions of appointment, including any credit toward tenure status, will be stated in writing before the appointment is finalized. A copy of the terms and conditions is available to the faculty member and should be retained in the individual's permanent file. Probationary faculty should review the established standards and procedures for consideration for tenure and promotion.

c. For faculty members who serve in administrative or special functions in addition to their faculty duties, decisions on tenure will be determined on the basis of academic credentials and achievements as well as the performance of administrative and special functions.

d. A candidate for tenure must hold the terminal degree or its equivalent appropriate to his or her discipline.

e. The only ranks in which a faculty member may hold tenure are Professor and Associate Professor.

f. The candidate must possess sufficient years of service in academia to warrant a prudent judgment by peers of the faculty member's proficiency in teaching, scholarly activity/creative endeavor, and leadership/service. The maximum period of probationary faculty service in non-tenured status is six years of full-time academic service in a tenure-track position. The probationary period is not reduced by previous non tenure-track service at ASU. Periods during which a faculty member is on leave of absence may not be counted toward fulfilling the probationary requirement; if a faculty member is appointed to a tenure-track position after the beginning of an academic year, the period of service from the time of appointment to the beginning of the next academic year does not count toward fulfilling the probationary requirement.

g. Up to three years of prior service, normally in tenure-track positions at other academic institutions, may be credited toward fulfillment of the required probationary service upon recommendation by the dean and the PVPASA with written approval of the president at the time of the initial appointment. University activities included in the probationary years spent at other universities and conducted in the academic community at large may count toward ASU's tenure requirements.

h. A faculty member who is serving the sixth academic year of probationary service will, upon completion of evaluation procedures for tenure decision, either be awarded tenure, which becomes effective at the beginning of the seventh year, or be notified that the seventh year will be the terminal year of appointment.

i. In exceptional circumstances, tenure may be awarded prior to completion of the full probationary term. A request to apply for early consideration of tenure must be approved by the department head, dean of the college, Deans' Council, and PVPASA. Denial of a request for early consideration will not prejudice subsequent requests.

7. Evaluation of Candidate for Tenure and Promotion

The weight of the decision to grant tenure rests on a pattern of performance indicative of a lifetime of continued accomplishment and productivity; the decision to promote a faculty member from one rank to the next is recognition of the faculty member's accomplishments to date and ability to function productively at the higher faculty rank with its commensurate

standards of performance. Evidence of teaching, scholarly activity/creative endeavor, and leadership/service is expected of all faculty members. Because the needs and goals of each program vary widely, specific criteria for promotion and tenure will be established at the college level in accordance with the *Regents' Rules* and ASU operating policies and procedures.

a. Upon implementation of this OP, faculty of each undergraduate college will form a Tenure and Promotion Criteria Development and Review Committee to formulate written criteria and procedures for its respective college in accordance with the *Regents' Rules* and ASU operating policies and procedures.

   (1) The committee will consist of two tenured or tenure-track representatives from each department in the college, elected by the tenured and tenure-track members of the department. The dean of the college will prepare and distribute the ballot of eligible candidates.

   (2) The dean will call the initial committee meeting, at which time the committee will elect a chair to preside over the remainder of the meetings and to initiate the process by soliciting suggestions and proposals from the various department peer review committees within the college.

   (3) The criteria and procedures developed by the Tenure and Promotion Criteria Development and Review Committee must be approved by a majority vote of the tenured and tenure-track faculty, including the department heads, in the respective college and by the dean of the college. If the faculty deliberations result in a tie vote, the Tenure and Promotion Criteria Development Review Committee will forward the criteria and procedures directly to the Dean. If the Dean does not approve the criteria and procedures, they will be returned for reconsideration until a consensus agreement is reached. The approval process cannot exceed two weeks.

   (4) The approved college criteria and procedures will be submitted to the Deans' Council for amendment and approval to ensure that standards are reasonably consistent given variations among the colleges. The Deans' Council in turn recommends to the PVPASA who may amend the criteria and make recommendations to the president, who has final approval.

b. Upon approval of the college criteria and procedures, the faculty of each undergraduate college will form a College Committee on Tenure and Promotion to conduct tenure and promotion deliberations.

   (1) The committee will be comprised of no fewer than five members with equal representation from each department in the college. The committee will be comprised of tenured faculty elected for a two-year term by a vote of the tenured and tenure-track faculty within the college. Terms will be staggered with two-year and one-year terms for the first year. Departments with no tenured faculty will be allowed to have a non-voting member elected by the department faculty.

   (2) The dean of the college will publish a list of eligible faculty, conduct the election, and call the initial meeting, at which the committee elects its chair to serve a one-year term and preside over the remainder of the meetings.

(3) Deans and department heads are not eligible to serve on the committee. Individuals may not serve for a second consecutive term if there are other tenured faculty members in the department who are eligible to serve. A faculty member cannot serve on the committee during the year in which he or she is applying for tenure or promotion. In that case, the faculty member must notify the chair in writing no later than the first week of the fall semester at which time a special election will be held to select a replacement.

(4) The College Committee on Tenure and Promotion is required to keep minutes of its meetings. These minutes will specify only the members present, a summary of the procedures followed by the committee, and an alphabetical listing of the individuals recommended for tenure and those recommended for promotion. The minutes will not provide any details of the deliberations, numerical ratings, scores, votes, tallies, or ordered rankings.

c. The evaluation process will consist of the following steps:

(1) Evaluation of Candidates by Faculty Peers at the Department Level

The department head will convene a meeting of the tenured faculty, charge them with evaluating each candidate for tenure and/or promotion, and specify the date by which deliberations must be completed. The department head will not participate in the discussion or vote. The tenured faculty will elect one of their number to serve as chair of the committee. The tenured faculty members, excluding the department head, vote by secret ballot whether to recommend the candidate for tenure or promotion. In cases where the department does not have at least three tenured faculty members, the department head will request evaluation from tenured members from other departments to provide a review committee of at least three people. The elected chair will supervise the counting of ballots and fill out two copies of Form #2; the chair will insert one copy of the form in the portfolio and simultaneously submit the second copy to the applicant. The chair will destroy the ballots and forward the portfolio to the department head.

(2) Evaluation of Candidates by the Department Head

Upon completion of the evaluation of the portfolio, the department head will place a written, detailed evaluation representing his or her judgment on the candidate's application for tenure and/or promotion in the portfolio and simultaneously provide a copy to the candidate. The department head will forward the portfolio to the dean of the college.

(3) Evaluation of Candidates by the Dean of the College

The dean is responsible for evaluating the candidate in light of established criteria, the department vote by the tenured faculty, and the evaluation and recommendation of the department head. Upon completion of the evaluation, the dean will place a written, detailed evaluation representing his or her judgment on the candidate's application for tenure and/or promotion in the portfolio and simultaneously provide copies to the department head and the candidate. The dean will forward the portfolio to the College Committee on Tenure and Promotion.

(4) Evaluation of Candidates by the College Committee on Tenure and Promotion

(a) The dean will charge the College Committee on Tenure and Promotion with evaluating each candidate for tenure and/or promotion and specify the date by which deliberations must be completed.

(b) Upon completion of the committee's evaluation, the chair of the committee will supervise the counting of the ballots and fill out three copies of Form #3; the chair will insert one copy of the form in the portfolio and simultaneously submit copies to the dean and the candidate. The chair will destroy the ballots and forward the portfolio to the PVPASA.

(c) If the committee received and supports a unanimous recommendation, no further action is required. If the committee votes contrary to the recommendation of the tenured faculty, the department head, or the college dean, it must provide the PVPASA the reason for its decision in writing.

(5) Evaluation of the Candidates by the PVPASA

The PVPASA will review each portfolio, including the College Committee on Tenure and Promotion's vote, the dean's and department head's evaluations, and the department tenured faculty vote. The PVPASA in turn will present a recommendation to the President and the candidate simultaneously.

(6) Evaluation of Candidates by the President

The president makes a recommendation for tenure and/or promotion to the Board of Regents for its consideration. The action of the Board of Regents awards faculty members tenure and/or promotion.

8. Definitions of Termination

Termination of tenured faculty, except by resignation, retirement, or under extraordinary circumstances because of demonstrable bona fide financial exigency, will be only for adequate cause shown with the burden of proof on the university.

Adequate cause for termination is directly and substantially related to the fitness of faculty members in their professional capacity and public trust as teachers and scholars. Termination will not be used to restrain faculty members in their exercise of academic freedom or constitutional rights.

There are three categories of involuntary separation from employment for faculty:

a. Revocation of tenure, which is termination of a tenured faculty member's employment;
b. Non-reappointment, which is the cessation of a non-tenured tenure-track faculty member's employment at the end of the stated appointment period, and
c. Termination, which is immediate termination for cause of a non-tenured tenure-track faculty member's employment before the expiration of the stated appointment period.

9. Tenure Advisory Committee

a. The Tenure Advisory Committee may consider matters pertaining to tenure or academic freedom referred to it by members of the university community. The committee reports to the president. If the president does not approve a recommendation of the committee, the committee will be informed in writing of the reasons for disapproval. The substance of any recommendation by the committee, if approved by the president, will be given consideration for incorporation in the operating procedures of the university.

b. The committee will consist of five tenured faculty and two ex-officio members, who are the PVPASA and a dean selected by the Deans' Council. Each undergraduate college will elect one member. Each dean's office will prepare and distribute ballots to the faculty of the respective college. Elected members serve two-year terms. Only tenured faculty teaching full time are eligible for election. Elected faculty members will not be eligible to serve consecutive terms. The Deans' Council member will serve for three years but will not be eligible to serve consecutive terms. The committee will determine its own procedural rules.

10. Termination Review Procedures for Tenure Revocation, Non-reappointment and Termination Cases

In each faculty termination case reviewed at the request of the faculty member, the issue will be determined by an equitable procedure that affords protection to the rights of the individual and to the interest of the university. In cases where the faculty member agrees that his or her conduct constitutes adequate cause, or does not choose to have a hearing, he or she will offer in writing his or her resignation. That faculty member will give notice of resignation as early as possible to obviate serious inconvenience to the university and to ensure that department objectives and student needs are met.

The procedures for termination described in this section do not negate the right of the president to suspend a faculty member from some or all duties when the president reasonably believes that the allegations, if true, create a likelihood of harm for persons or the university. The suspension will be with pay until such time as the suspended faculty member has been accorded the procedural rights appropriate to his or her appointment type, as described in this section.

a. Tenure Revocation

(1) Mediation and Investigation

Tenure revocation charges will not be filed until reasonable efforts to mediate and conciliate differences between the faculty member and the university have been exhausted. The chair of the Tenure Advisory Committee (or member designated by the committee) and the PVPASA (or designee) will attempt to secure a confidential and equitable agreement in no more than twenty business days.

If the mediation efforts fail, the mediators will provide a written, detailed report to the president and the faculty member, and a formal investigation will begin. Together, the chair of the Tenure Advisory Committee (or member designated by the committee) and the PVPASA (or designee) will conduct a thorough, confidential, expeditious review of all charges, and report their findings and recommendations to

the president. After consideration of the report and recommendations, the president will determine whether to file formal charges to terminate the faculty member's employment for cause no more than fifteen business days after receiving the report.

(2) The Hearing Panel

In all cases of formal charges, the faculty member will be informed in writing of the charges, which, on reasonable notice, will be considered by a Hearing Panel convened by the president. The Hearing Panel will be made up of five members chosen by the Tenure Advisory Committee from a hearing pool formed of twenty tenured faculty members. Those members will be elected annually by faculty at large from a ballot prepared and distributed by the PVPASA's office. Only tenured faculty teaching full time are eligible for election. Faculty may not serve on the Tenure Advisory Committee and the tenure hearing pool concurrently.

The Tenure Advisory Committee will, by lot, order the names of the members of the hearing pool, assigning each a number from one to twenty. Pool members deeming themselves biased must withdraw from consideration for the Hearing Panel. Either party in the dispute may strike no more than three names from those remaining on the list. The Tenure Advisory Committee designates the five pool members with the lowest numbers remaining on the list to constitute the Hearing Panel. The Hearing Panel will select a chair from its membership and may, if it chooses, request appropriate legal counsel to be furnished by the university but not from the Office of General Counsel. The legal counsel will advise the Hearing Panel but does not vote. The Hearing Panel may also consult with the general counsel of the university on technical and/or procedural questions not directly bearing on the merits of the case if the Hearing Panel considers such consultation appropriate and helpful.

(3) The Hearing

In consultation with the faculty member and the chair of the Hearing Panel, the president will set a date for the hearing. The hearing will be private and confidential unless the faculty member elects to have a public hearing. The Hearing Panel will determine hearing procedures that afford both due process and fairness. The hearing will be nonadvaserial in nature.

In every such hearing, the faculty member has the right to appear in person with legal counsel, retained by the faculty member, and to confront and examine witnesses. The faculty member has the right to testify but may not be compelled to do so. The faculty member may introduce all evidence and material, written or oral, which he or she considers to be relevant or material to the case. Neither the Texas Rules of Civil Procedure nor the Texas Rules of Evidence will apply to the hearing.

The university also has the right to legal counsel from the Office of General Counsel in the preparation and presentation of charges and has the same rights in the hearing as those accorded to the faculty member. An audio recording of the proceedings will be made and delivered to the president for submission to the Board of Regents, and a copy of this audio recording will be made available to the faculty member. The recording will be transcribed only on the request of either the faculty member or the president, with the requesting party bearing the transcription costs.

The Hearing Panel, by a majority vote of its total membership, will make detailed, written findings of fact on each charge and make specific recommendations with regard to each of the charges and the charges as a whole and supplementary suggestions it deems proper concerning disposition of the case. Minority findings, recommendations, or suggestions will be similarly prepared and transmitted. The chair of the Hearing Panel will deliver the findings, recommendations, and suggestions to the president, who will transmit them along with a recommendation to the faculty member and to the Board of Regents.

(4) The Board of Regents' Decision

The Board of Regents will consider all relevant material furnished and, by a majority of its total membership, will approve, reject, or amend the findings, recommendations, and suggestions of the Hearing Panel based on the record. Any amendment or change of such findings, recommendation, or suggestions, and the reasons therefore, will be detailed in writing and communicated to the president who will transmit them to the Hearing Panel, which will then study any additional matters presented to it and within forty-five days submit its recommendations to the president. If the Board of Regents then overrules the recommendations of the Hearing Panel, it will state in writing its reasons for its actions in overruling the Hearing Panel's recommendations to the president, who will transmit the decision to the Hearing Panel. The president will also notify the faculty member in writing of the Board's decision. This communication will include the findings and recommendations of the Hearing Panel as well as those of the Board. The decision of the Board of Regents will be final.

b. Non-reappointment and Termination

The following procedures on non-reappointment and termination for cause apply to untenured tenure-track faculty. The university is not required to give an untenured tenure-track faculty member a reason for a decision of non-reappointment. However, each faculty member is entitled to see all of his or her personnel files and, at his or her expense, to obtain a copy of the information contained therein.

(1) Initial Investigation

If an untenured tenure-track faculty member alleges that a decision not to reappoint him or her is:

(a) Caused by considerations that violate academic freedom;

(b) For constitutionally impermissible reasons; or

(c) Significantly noncompliant with the university's established standards or prescribed procedures; then

The allegation of improper rationale for non-reappointment, as defined above, will be given preliminary consideration by a faculty committee. The Tenure Advisory Committee is responsible for appointing the faculty committee from within or outside its own membership and for its functioning.

(2) The Hearing Panel and Hearing

If the faculty committee concludes that there is probable cause for the faculty member's allegation, the Tenure Advisory Committee will notify the PVPASA and convene the Hearing Panel constituted in Section 10 (a.2). The faculty member will be responsible for stating the specific grounds on which the allegations were based, and the burden of proof will rest upon the faculty member.

The Hearing Panel will consider the allegations using the procedures outlined in Section 10 (a.3). Upon conclusion of deliberations, the chair of the Hearing Panel will deliver its findings, recommendations, and suggestions to the president, who will approve, reject, or amend them based on the record, then transmit them along with the president's recommendation to the faculty member. The decision of the president will be final.

11. Timelines for Notice of Non-reappointment

These notification timelines apply to any notice of non-reappointment that is issued to untenured tenure-track faculty.

a. Full-time faculty members in their first year with the university whose duties commence with the first semester of the academic year must be notified by the following March 1 if they are not to be reappointed.

b. Full-time faculty members in their first year with the university whose duties commence after November 15 must be notified by the following April 15 if they are not to be reappointed.

c. Full-time faculty members who are in their second year with the university and who are not to be reappointed must be notified by December 15 of the academic year in which the appointment is to terminate.

d. Full-time faculty members with more than two years with the university will be notified of non-reappointment by issuance of a terminal contract for one academic year.

12. Policy Implementation, Periodic Review, and Revision

This policy is to be implemented upon approval by the Board of Regents. All tenured faculty members are subject to this policy's applicable provisions and procedures including those not addressed in any former policy. The tenure of faculty members who have attained tenure under prior policies at ASU continues. This policy shall not be applied in derogation of any faculty member's contract rights.

This policy will be comprehensively reviewed in September every three years or as needed, beginning with the 2011-2012 academic year, by a representative Select Faculty Committee elected by the faculty at large. The Select Committee will consist of two members from each of the five undergraduate colleges, elected by the tenured and tenure-track faculty from a ballot prepared and distributed by the PVPASA's office. The two members from each college receiving the highest number of votes will be named to the Select Committee; however, no more than one faculty member from the same department may serve. The President of the Faculty Senate or a designated Senator also serves on the committee. The

Vice Provost calls the first meeting of the Select Committee, at which time a chair will be elected by a majority vote.

The Select Committee will then review current policies and procedures to determine if changes need to be made. In making that determination, the committee will solicit opinions concerning the need for revisions from the Faculty Senate, individual department heads and academic deans, and the general faculty. Taking these views into consideration, the Select Committee will either inform the PVPASA that no revisions are needed or prepare a draft recommendation for change. The recommendations will go forward with areas of disagreement noted to the deans and department heads for their consideration. The deans and department heads will then recommend changes to the PVPASA, who will take those deemed appropriate forward to the president for review. If the president approves, the proposed revisions will be forwarded to the Board of Regents for its consideration. Under the statutory authority of the State of Texas, the Board of Regents has the sole authority to revise this tenure and promotion policy.

Attachment A: *Tenure/Promotion Portfolio Requirements*
Attachment B: *Form 1, Candidate Eligibility*
Attachment C: *Form 2, Department Recommendation*
Attachment D: *Form 3, College Committee on Tenure and Promotion Recommendation*
Attachment E: *IDEA Course Summary Report*